

COMMONWEALTH OF PENNSYLVANIA



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**AUG 17 1999**

August 16, 1999

**FCC MAIL ROOM**

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington, DC 20554

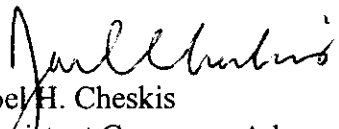
In the Matter of: Common Carrier Bureau  
Seeks Comment On the Texas Public Utility  
Commission Petition for Delegation of  
Additional Authority to Implement Number  
Conservation Measures  
NSD File No. L-99-55; DA 99-1380  
CC Docket No. 96-98

Dear Ms. Salas:

Enclosed please find an original and four copies of Comments of the Pennsylvania Office of Consumer Advocate and Texas Office of Public Utility Counsel in the above-referenced matter. Please also note that these Comments have been filed with the Commission electronically.

Please indicate your receipt of this filing on the additional copy provided and return it to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,

  
Joel H. Cheskis  
Assistant Consumer Advocate

Enclosure

cc: Al McCloud, Network Services Division

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**

**In the Matter of**

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**Common Carrier Bureau Seeks Comment On  
The Texas Public Utility Commission  
Petition for Delegation of Additional Authority  
To Implement Number Conservation Measures**

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**COMMENTS OF THE  
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE  
AND TEXAS OFFICE OF PUBLIC UTILITY COUNSEL**

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**I. Introduction**

The Pennsylvania Office of Consumer Advocate ("OCA") and the Texas Office of Public Utility Counsel ("OPC"), hereby submit these Comments in support of the Texas Public Utility Commission Petition for Delegation of Additional Authority To Implement Number Conservation Measures ("Texas Petition") as submitted to the Federal Communications Commission ("FCC" or "Commission") on July 2, 1999. The OCA is designated by Pennsylvania state law to represent public utility ratepayers before the Pennsylvania Public Utility Commission, federal agencies and state and federal courts. The OCA is actively involved in representing consumer interests in telecommunications issues in these venues. In particular, the OCA has represented the National Association of State Utility Consumer Advocates in the Number Resource Optimization Working Group in drafting the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods which was submitted to the Common Carrier Bureau on

October 21, 1998.<sup>1</sup> The OCA is, therefore, familiar with the issues contained in the Texas Petition. OPC is designated by Texas State law to represent residential and small business utility ratepayers before the Texas Public Utility Commission and federal agencies and the courts. OPC is actively involved in representing consumer interests in telecommunication issues and is familiar with the issues contained in the Texas Petition.

Because the Texas Petition has important generic implications, the OCA/OPC submit these Comments to support the Texas Petition which the FCC summarized in the Public Notice of July 14, 1999 as follows:

On July 2, 1999, the Public Utility Commission of Texas (Petitioner) filed a petition requesting authority to implement various number conservation measures. The Petitioner specifically requests authority: (1) to implement thousand block number pooling; (2) to implement unassigned number porting; (3) to reclaim unused NXX codes and thousand number blocks; (4) to require all codeholders to provide the Texas Commission utilization and forecast information; and (5) to order sequential numbering assignment.

Petitioner states that this request is to ensure that the public interest is protected against unwarranted area code relief. Petitioner states that it is particularly sensitive to the pressing need for number conservation measures because of the explosive growth in the demand for numbers experienced by many of Texas's large metropolitan areas in recent years.

Notice at 1. The FCC specifically requested comment on the issues raised in the Texas Petition's request for delegation of additional authority to implement the above conservation methods. Notice at 2.

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<sup>1</sup> The OCA worked with many other parties through the Number Resource Optimization Working Group ("NRO-WG") to develop the initial report later approved by NANC.

The OCA/OPC support the Texas Petition and submit that the FCC should allow the Public Utility Commission of Texas ("Texas PUC"), and other state commissions, additional authority to implement number conservation measures. In support, the OCA/OPC file these Comments.

## **II. Summary**

The telephone number exhaust crisis in this country has caused significant problems in Texas. As the Texas Petition indicates, between 1947 and 1990, Texas added only three area codes. Texas at 2. Since 1990, however, Texas has added eleven new area codes with all but one of the seven designated metropolitan areas in Texas undergoing area code relief within the past 10 years. Id. Furthermore, within months of the implementation of the new area codes in Dallas and Houston in 1996, the Texas Number Administrator informed the Texas PUC that the new area codes were going to exhaust before the end of 1998. Id. at 3. Texas still faces a numbering crisis despite extensive steps to reduce the amount of telephone numbers needed including consolidating rate centers, expanding local calling areas and establishing state task forces and participating in national fora to address the situation.

The OCA/OPC submit that the FCC should quickly take action to forestall or eliminate the premature exhaust of the North American Numbering Plan ("NANP"), and slow the introduction of new area codes as the costs to consumers increase rapidly with each successive area code application. The NANP allows customers to be called throughout the United States by a three digit area code and a seven digit telephone number. As area codes continue to be distributed at a rapid rate, this numbering system is increasingly at risk. The rapid growth in demand for new area codes is a symptom of underlying inefficiencies in the manner in which numbering resources are currently

allotted. If these inefficiencies continue, the long-term viability of the NANP could be undermined. Furthermore, the restrictions the FCC has placed upon state actions in this area have had a chilling effect on states. This has hurt conservation efforts on a national basis and increased the need for speedy action in order to implement effective number conservation actions.

With the accelerating growth of multiple providers under the Telecommunications Act of 1996 ("the Act"), the traditional mode of assigning telephone numbers in blocks of 10,000 for each carrier per rate center is forcing a rapid, unnecessary and costly depletion of telephone numbers across the country. Additionally, the inefficient use of those blocks of 10,000, or NXXs,<sup>2</sup> has exacerbated the depletion of telephone numbers. Many consumers have expressed their outrage that area codes have proliferated with little apparent management or control. The costs to consumers, as a result of this lack of effective controls, in terms of the addition of new area codes or the implementation of 10-digit dialing, are enormous. The industry must deal with the serious area code problem that exists in an expeditious and thorough manner in order to complete national pooling and other solutions as soon as possible. The OCA/OPC submit that the longer the area code crisis is left unresolved, the greater jeopardy the NANP is placed in and the higher the cost becomes to consumers.

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<sup>2</sup> An NXX is the number of an exchange; i.e., a block of 10,000 numbers in an area code. Similarly, an NPA is a numbering plan area, or area code. Together, an NPA and an NXX identify a telephone number as NPA-NXX-XXXX.

### III. Comments

#### A. Need to Control Area Code Proliferation Through Usage of Number Optimization Methods Such As Number Pooling and NXX Code Sharing.

The Act gives the FCC “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.” 47 U.S.C. §251(e)(1). However, through the Order released by the FCC in Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,<sup>3</sup> the FCC has delegated to state commissions portions of its number administration authority, particularly, the authority to implement area code relief. The FCC should allow the Texas PUC authority to perform number optimization procedures in compliance with any guidelines or rules established in an attempt to increase the efficiency of the use of telephone numbers within existing area codes in Texas.

In particular, the practice that exists today of assigning numbers, by full central office codes rather than by portions of NXXs or even individual telephone numbers, to meet new service providers’ demand for numbers threatens to exhaust existing area codes much sooner than prior projections by the North American Numbering Plan Administrator. The OCA/OPC support the Texas Petition’s request for authority to use number optimization methods such as Thousand Block Pooling<sup>4</sup> and Unassigned Number Porting<sup>5</sup> in conjunction with establishing number assignment and

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<sup>3</sup> Id., Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42 (rel. September 28, 1998)(“Pennsylvania Order”).

<sup>4</sup> Thousands Block Pooling involves the allocation of blocks of sequential telephone numbers within the same NXX to different service providers and potentially different switches which

utilization standards. The Texas PUC also requests authority to reclaim unused NXX codes and thousand number blocks as service providers in Texas with the greatest number of access lines in the 817 NPA consistently expressed unwillingness to participate in any form of voluntary number pooling. Texas Petition at 8.

The OCA/OPC submit as support for the Texas Petition, and number conversation measures in general, that between 1961 and December, 1994 the number of assigned area codes in the United States increased from 118 to only 134; however, between December, 1994 to January, 1998 the assigned area codes increased from 134 to 235.<sup>6</sup> This accelerating addition of area codes was addressed by Mr. Alan Hasselwander, Chairman of the North American Numbering Council, in an address to the Numbering Solutions 1998 Seminar. In that address he explained:

To say we have reached a crisis in numbering in the US is probably too strong a statement. But we are approaching a crisis, and one will occur if effective action is not taken now. Many states have and are facing a frequency of NPA exhaust unknown in the past, and commissions are taking the heat that goes with the costs imposed on consumers by number exhaust.

The OCA/OPC submit that Mr. Hasselwander is correct that we are at least approaching a numbering

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serve customers within the same rate area. All 10,000 numbers within each NXX continue to be assigned to one rate area, but are allocated among multiple service providers at the 1,000 block level.

<sup>5</sup> Unassigned Number Porting is a telephone number sharing and/or optimization method where available telephone numbers in one service provider's inventory are ported using Location Routing Number (LRN) methodologies to another service provider under the direction of a neutral third party coordinator. OCA/OPC would caution, however, that consumers have already paid for LRN and should not have to pay again.

<sup>6</sup> Where Have All the Numbers Gone? Long-term Area Code Relief Policies and the Need for Short-term Reform, Economics and Technology, Inc. prepared for The Ad Hoc Telecommunications Users Committee and International Communications Association, March, 1998 at 3 ("ETI Study").

crisis, if we are not already in one. Number Pooling, NXX Code Sharing and establishing number assignment and utilization standards would be effective means of resolving the need for additional area codes in many circumstances and provide relief for consumers from continued area code changes in Texas.

The OCA/OPC propose that the cost of frequent area code changes upon consumers are substantial and could be avoided by the use of number optimization methods in many instances. A change in a consumer's area code often requires notifying friends and businesses of that change, and also reprinting stationery, advertising, etc. If callers are not aware of a new telephone number, important calls may not be completed. Reprogramming calling data bases and alarm monitoring devices can also be expensive. The cost of reprogramming network equipment for telecommunications carriers are also considerable which could result in increased rates paid by consumers. There may also be public safety concerns due to problems in the handling of 911 calls as a result of telephone number changes. Furthermore, these real costs are exacerbated given the expected depletion of the entire NANP as early as 2007.<sup>7</sup> Complete exhaustion of the NANP could result in eleven or twelve digit dialing thus causing an entirely new set of real costs to consumers as well as a massive amplification of those costs noted above.

Thus, there are real costs imposed upon the public as a result of area code changes and the Texas PUC should be applauded for its efforts in wanting to conserve this resource. The OCA/OPC submit that the Texas PUC should be commended in its foresight and its willingness to implement number conservation measures in advance of national guidelines. This willingness to proceed

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<sup>7</sup> "North American Numbering Plan Exhaust Study," Submitted by North American Numbering Plan Administrator Lockheed Martin, April 22, 1999.



without general federal guidelines illustrates the Texas PUC's urgency in this matter and determination that Texas is quickly approaching a numbering crisis.

B. Need to Control Area Code Proliferation Through Number Assignment and Utilization Standards.

The OCA/OPC support the Texas Petition's request for authority to establish number assignment and utilization standards, including collecting utilization and forecast information from all NXX code holders and establishing sequential numbering enforcement authority, in an effort to achieve more efficient allocation and use of numbering resources. The OCA/OPC have frequently cautioned that whatever number optimization measures are implemented, either on a short-term or long-term basis, successful number administration requires more stringent standards for allocating numbers, as well as more effective enforcement, to ensure that the standards are met. A carrier should be required to demonstrate that its existing numbering inventory is inadequate to provide service to customers or that it has to rely on costly measures to supply service before it can receive a new NXX. At a minimum, carriers should be required to maximize the use of an NXX before another NXX is assigned. Furthermore, greater controls should be placed on the ability to reserve numbers which would further serve to make more telephone numbers available in lieu of opening a new NXX. Controls on number reservations should include effective auditing to ensure compliance with number assignment and utilization requirements as well as high "fill rates" so that most of the NXX could be utilized.

Additionally, the OCA/OPC submit that it is a fundamental premise that a substantial contributing factor to the pending exhaust of the NANP is the lack of uniform, planned and conservation minded set of requirements for the reservation of telephone numbers. This lack of

requirements has led to inconsistent assignment and inefficient utilization of numbering resources throughout the NANP which contributes to consumers expressing their outrage that area codes have proliferated with little apparent management or control. The unrestricted manner by which telephone numbers can be reserved by service providers increases the exhaust of area codes and should cause great concern to the optimization of telephone number usage. All numbering conservation measures proposed would be of little value if carriers or customers were able to hoard or warehouse (also known as stockpile or bank) telephone numbers which is possible if there are no effective controls on the process by which telephone numbers can be reserved.

Therefore, the OCA/OPC support the Texas Petition's request for authority to order efficient number use practices within NXX codes, such as sequential number allocation and to order carriers to return unused or under-utilized portions of NXX codes. In particular, the Texas PUC should be allowed to establish fill rates and needs-based criteria for the acquisition of additional codes. The Texas PUC should also be allowed to establish mandatory number utilization reporting requirements and procedures to audit carrier utilization reports. More specifically, the Texas PUC should use Line Number Utilization Survey (LINUS) and Central Office Code Utilization Survey (COCUS)<sup>8</sup> reporting which should be updated more frequently than annually so that a more current basis for planning area code relief could be provided. Finally, the Texas PUC should be able to order the NANPA to reclaim codes which are being used in violation of FCC guidelines or state law including codes that have not been put in service within the time provided.

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<sup>8</sup> The OCA is familiar with COCUS and LINUS issues through its involvement in the NROWG as discussed above in the Introduction. The OCA recognizes that the NROWG is working on revisions to COCUS which will be reviewed by the North American Numbering Council. The OCA/OPC submit the Texas PUC should also be able to use this hybrid plan upon approval.

C. State Role In Number Optimization Implementation

Number optimization methods, such as Thousands Block Pooling, Unassigned Number Porting and even Rate Center Consolidation,<sup>9</sup> should be subject to only general federal guidelines as approved by the FCC. Such guidelines should not restrict states in their implementation of number conservation methods but allow states to use the methods best geared toward resolving their local concerns leaving it entirely to the state commissions when and how to address their individual situations. The FCC should generally permit states to implement number optimization methods where states decide this is appropriate. Additionally, in response to the FCC's Pennsylvania Order involving area code relief, the OCA/OPC submit that states should not be forced to individually petition and wait for the Commission to act before any number optimization actions are permitted. If general guidelines are developed in advance, such methods would then be available for state use whenever any such request is made. Implementation of these number conservation measures would increase efficiency and competitiveness in the telecommunications marketplace and should not be delayed until jeopardy or near-jeopardy situations appear.

The ability of states to individually implement number optimization measures is particularly important in Texas. As stated above, Texas has added eleven new area codes since 1990 and continues to have area codes placed in jeopardy. This despite the proactive stance the Texas PUC has taken to address this situation including creating a Texas Number Conservation Task Force and

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<sup>9</sup> Rate Center Consolidation can be used so that the number of rate centers could be reduced by combining or collapsing several existing rate centers into fewer rate centers which would maintain both the current call-routing and call-rating methods. This assumes that an NPA/NXX code need not be used to identify more than one switch so that carriers that have more than one switch in a consolidated rate center can still be assigned NPA/NXX codes at the switch level. Rate Center Consolidation, however cannot substitute for other number resource conservation measures.

a Number Conservation Implementation Team. Despite these efforts, the Texas Petition indicates that millions of Texans in Austin/Corpus Christi, Dallas and Houston have already suffered through area code relief while millions of telephone numbers remain unused because of the inefficiencies in the current numbering administration system and the unwillingness of the industry to voluntarily change their practice of number assignment. Texas Petition, at 6. The OCA/OPC believe the Texas PUC should be allowed to determine what is best for it to relieve the strain on Texas consumers created by area code exhaust.

The OCA/OPC caution against FCC guidelines which would unduly restrict how number optimization measures can be implemented. States should be able to customize these optimization efforts to their own unique circumstances. Without additional authority, states are frustrated in efforts to timely address needed NPA relief before the costs to consumers increase. This authority needs to come in the form of both the ability to implement additional number optimization methods and to adopt enforcement mechanisms and audit requirements to achieve more efficient allocation and use of already existing numbering resources. The increasing rate of number assignments is problematic and that states' ability to implement number conservation measures and to explore alternatives to the current inefficient number assignment process are necessary to adopt more effective area code relief. Therefore, the OCA/OPC support the Texas Petition's request for additional delegated authority to implement the measures discussed in the Texas Petition to ensure more effective numbering resource utilization.

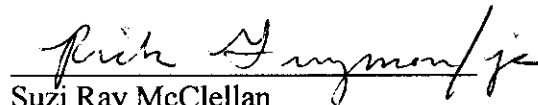
#### IV. Conclusion

The Pennsylvania Office of Consumer Advocate and the Texas Office of Public Utility Counsel request the Federal Communication Commission to review these Comments as it considers what actions to take concerning the Texas Public Utility Commission Petition for Delegation of Additional Authority To Implement Number Conservation Measures. The OCA/OPC submit that the Public Utility Commission of Texas is in the best position to evaluate the specific circumstances in Texas and establish appropriate criteria for the acquisition and utilization of number resources at this time.

Respectfully submitted,



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Dated: August 16, 1999

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	:	
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Common Carrier Bureau Seeks Comment On	:	NSD File No. L-99-55
The Texas Public Utility Commission	:	
Petition for Delegation of Additional Authority	:	DA 99-1380
To Implement Number Conservation Measures	:	

I hereby certify that I have this day served a true copy of the foregoing document,  
Comments, upon parties of record in this proceeding.

Dated this 16th day of August, 1999.

Respectfully submitted,

  
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Joel H. Cheskis  
Assistant Consumer Advocate

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